

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen Gyor, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** February 26, 2013

**SUBJECT:** BZA Case 18509 - request for special exception relief under § 223 to construct an addition to an existing single family dwelling at 4735 Tilden Street NW.

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following:

- § 405.9 Side Yard (8 feet required; 2 feet (west) and 13 feet (east) existing; 2 feet 3 inches (west) 13 feet (east) proposed).

### **II. LOCATION AND SITE DESCRIPTION:**

Address:	4735 Tilden Street NW
Legal Description:	Square 1528, Lot 51
Ward:	3
Lot Characteristics:	The lot is rectangular and is 54 ft. wide along the Tilden Street frontage. It is 117.5' feet deep. A 20' alley is located to the west and rear of the subject property.
Zoning:	<i>R-1-B</i>
Existing Development:	Single family dwelling, permitted in this zone. The current structure was built in 1952.
Historic District:	NA
Adjacent Properties:	Adjacent properties include single-family detached dwellings on large lots and low-density multifamily buildings.
Surrounding Neighborhood Character:	The neighborhood is characterized by single family homes on large lots.

### III. PROJECT DESCRIPTION IN BRIEF

Applicant	Angela Desmond (Owner of record)
Proposal:	The Applicant proposes to build a 2 story addition and deck on piers at the rear of the existing 2 story single family dwelling. A currently existing addition is located in the 8 foot setback area on the west side of the property. The existing deck would be relocated.
Relief Sought:	§223 - Additions to a One-Family Dwellings or Flats

### IV. ZONING REQUIREMENTS

R-1-B Zone	Regulation	Existing	Proposed	Relief:
Height (ft.) § 400	40 ft. max.	29.5 ft.	29.5 ft.	None required
Lot Width (ft.) § 401	50 ft. min.	54 ft.	54 ft.	None required
Lot Area (sq.ft.) § 401	5,000 sq.ft. min.	6,345 sq.ft.	6,345 sq.ft.	None required
Lot Occupancy § 403	40% max.	22.5%	29.28%	None required
Rear Yard (ft.) § 404	25 ft. min.	57 ft.	42 ft.	None required
Side Yard (ft.) § 405	8 ft. min.	2 ft. (west) 13 ft. (east)	2.3 ft. (west) 13 ft. (east)	<b>Relief Required</b>
Court § 406	NA	NA	NA	None required



**Subject Property**



**Subject Property - Front**



**Subject Property - Rear**

**V. OP ANALYSIS:**

**223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES**

*223.1 An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.*

One-family detached dwellings are permitted matter of right uses in this zone. The Applicant is requesting special exception relief under §223 from the requirements of minimum side yard width (§405).

*223.2 The addition or accessory structure shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

*(a) The light and air available to neighboring properties shall not be unduly affected;*

The proposed two-story rear addition and deck would be 35 feet longer than the existing structure and would extend the existing side yard setback on the east and west sides. The addition is not anticipated to have an undue effect to the light and air of neighboring properties, including the properties to the east and west, as the existing side yards would be maintained. The alley to the west, where side yard relief is required, provides a buffer between the subject property and the property to the west. The two-story addition at the rear would be no taller than 23.5 feet as shown in the submitted plans.

*(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

The addition would not compromise the privacy and enjoyment of neighboring properties. The privacy of use and enjoyment of the property to the rear should not be unduly compromised because the rear yard would have a depth of 42 feet (not including the 20 foot wide public alley). The privacy of use and enjoyment of the properties to the east and west would not be affected because the addition would be no closer to the east and west property lines than the existing structure. The property to the west, where side yard relief is required, is located across a 16 foot public alley.

*(c) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and*

The two-story rear addition would only be minimally visible on the south side to the street frontage along Tilden Street and would be in character with the existing streetscape.

*(d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or*

*elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*

The Applicant provided sufficient graphical representations, including plans, in support of its application for review.

223.3 *The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or **seventy percent (70%)** in the R-3, **R-4**, and R-5 Districts.*

The existing lot occupancy at 22.9% and the proposed lot occupancy at 29.3% would remain within the permitted maximum lot occupancy of 40% and well below the 50% maximum permitted by special exception review pursuant to § 223 for single-family residential structures in the R-1-B District.

223.4 *The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

OP does not suggest any other special treatment for this addition. According to the Applicant, the tree visible in the application photos of the rear yard has since been removed.

223.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

The addition to a residential use is permitted in the R-1-B District.

## **VI. COMMUNITY COMMENTS**

As of this writing, OP has not received comments from the neighbors or ANC.